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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/090,685	03/05/2002	Alfred Thomas	2100/24	8496

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EXAMINER

MENDIRATTA, VISHU K .

ART UNIT	PAPER NUMBER
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3711

DATE MAILED: 02/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/090,685

Applicant(s)THOMAS ET AL. (1)**Examiner**

Vishu K Mendiratta

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25-48 and 50-52 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 25-48 and 50-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 25-48, 50-52 rejected under 35 U.S.C. 102(a) as being anticipated by Tarantino (6702671).

Tarantino teaches a game display (1920), an operating system (Fig.5), processor (103), memory (605), video section (621), pay table (abstract), wagering input device (0 bet per line button), payout device (collect button), player selecting game element locations (13:53-60) less than all locations, each location capable of displaying reel like configuration with plurality of indicia (dice faces), determining payout on the basis of winning condition and matching number of locations (11:44-55), paying increasing award units (11:25-65), and a hierarchy of symbols, matching subsets of indicia (4:1-5) are also well known in the slot machine industry.

Claim Rejections - 35 USC § 103

3. Claims 25-48, 50-52 rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Simunek (5401024).

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Simunek teaches a game display (20), an operating system (Fig.1), processor (16), memory (14), video section (18), pay table (2:52-54), wagering input device (bet1 button), payout device (win button), player selecting game element locations (3:46-47) less than all locations, each location capable of displaying reel like configuration with plurality of indicia (3:1-6), determining payout on the basis of winning condition and matching number of locations (4:1-34), paying increasing award units (2:55-64), a hierarchy of symbols (4:8-15), matching subsets of indicia (4:1-5) that is also well known in the slot machine industry.

Applicant might argue that all selected locations do not display reel action due to random selection of locations by the machine immediately after a player has made selection. Examiner takes the position that due to the fact that the machine is capable of selecting randomly "some or all" locations (3:52) indicates at possibility of selecting "all" spots by the machine. In such case all player-selected locations will turn into reel like locations displaying any one of all symbols on the reel.

One of ordinary skill in art at the time the invention was made would have suggested spinning all player-selected locations simplifying the game.

4. Claims 37-38 rejected under 35 U.S.C. 103(a) as being unpatentable over Simunek in view of Tarantino (6702671).

Simunek teaches all limitations except that it does not clearly express a spatial arrangement of winning symbols.

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Tarantino teaches a spatial arrangement of vertical, horizontal and diagonal as winning conditions. Winning conditions are determined by gaming institutions and payouts are determined according to their revenue situations (Simunek 4:23-26). In order to attract players gaming houses present various winning conditions/combinations while also keeping the game revenue in focus. Slot machine are well known to pay for matching horizontal lines. One of ordinary skill in art at the time the invention was made would have suggested various conditions and combinations of matching symbols and arrangements to attract players and to keep the game revenue flowing.

5. Claim 44-46 rejected under 35 U.S.C. 103(a) as being unpatentable over Simunek in view of Tarantino (6702671).

Simunek teaches all limitations except that it does not teach increasing wager per increasing bet locations.

Tarantino teaches allowing players to select a larger number of locations for a larger betting amount (9:40-55). A larger selection is related to a larger reward (13:1-5). In order to make the game interesting, it would have been obvious to increase the award for a larger selection of locations.

One of ordinary skill in art at the time the invention was made would have suggested increasing award for larger selections to make the game attractive.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vishu K Mendiratta whose telephone number is (571) 272-4426. The examiner can normally be reached on Mon-Fri 8AM to 5PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Vidovich can be reached on (571) 272-4415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to be 'Vishu K Mendiratta', written in a cursive style.

Vishu K Mendiratta
Primary Examiner
Art Unit 3711

VKm
February 15, 2005